

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOE HOLCOMBE, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO. 5:18-cv-555-XR
v.)	(consolidated cases)
)	
UNITED STATES OF AMERICA,)	
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Defendant.)	
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**DEFENDANT UNITED STATES OF AMERICA'S DEPOSITION DESIGNATIONS,
OBJECTIONS, AND COUNTER DESIGNATIONS TO THE TESTIMONY OF
EMILY WILLIS**

Defendant submits the following designations of the testimony given by Emily Willis by deposition on May 26, 2020. An excerpted transcript reflecting these designations, and the United States' counter designations to Plaintiffs' designation, is attached as Exhibit A. This document is Government Trial Exhibit GEX-1.

<u>Designated testimony</u>	<u>Transcript</u>
32:19-34:6	<p>19 Q How did you come to live with the Kelleys?</p> <p>20 A A few months after I had met them, I was</p> <p>21 living at the time at my mother's house. It was just</p> <p>22 time for me to move on with my life. And they were</p> <p>23 interested in getting an apartment and getting out of</p> <p>24 their trailer home. And so we had spoken about</p> <p>25 possibly getting an apartment together, and we ended</p> <p>1 up doing that.</p> <p>2 Q Um, did you know -- how well did you know</p> <p>3 Danielle before you moved in together?</p> <p>4 A Not very well.</p> <p>5 Q How long had you known Danielle at that</p> <p>6 point in time?</p> <p>7 A Just a few months.</p>

	<p>8 Q Did you know Devin well before you moved in 9 with them?</p> <p>10 A Not very well. I only knew him when we -- 11 when I went over to see them and see their baby. 12 Just kind of in passing I guess I knew him.</p> <p>13 Q How many times do you think you had met 14 Devin before you moved in with them?</p> <p>15 A To my memory, I would say three.</p> <p>16 Q Where -- so you all moved in together. You 17 don't have to give me the address, but what city were 18 you all living in at that time?</p> <p>19 A The apartment we moved into was here in 20 Colorado Springs.</p> <p>21 Q And how big of an apartment was it?</p> <p>22 A It was a two bedroom/two bath apartment.</p> <p>23 Q While you were living -- how long did you 24 and the Kelleys live together for?</p> <p>25 A I want to say it was a little over two weeks 1 before they had left.</p> <p>2 Q You only lived with them for two weeks?</p> <p>3 A Yes, ma'am.</p> <p>4 Q When you were living with them, how often 5 did you see them?</p> <p>6 A I saw them daily, yeah.</p>
26:20-24 [JEX 46]	<p>20 Q Okay. And then I will show you one more 21 document, which we -- there it is -- which we will 22 mark as Exhibit 9. I will make it full screen. This 23 is an eight-page document. The Bates number at the 24 bottom is USA 00023557.</p>
38:19-39:21 [JEX 46]	<p>19 Q I just wanted to follow up on something that 20 I had asked you about a second ago. You said that 21 you lived them for two weeks, the Kelleys for two 22 weeks. I am going to show you Exhibit 9 again. This 23 is on the page that is marked the last Exhibit 23561. 24 It says under "Emily Willis statement, Ms. Willis 25 says she has been living with the Kelleys since 1 June 26th, 2015." Is that -- to your recollection, 2 is that accurate?</p> <p>3 A To my recollection, yes.</p> <p>4 Q At the time that you made that statement to 5 the Colorado Police, that was fairly close in time to 6 when you were living with the Kelleys; right?</p> <p>7 A I'm sorry. You said --</p> <p>8 Q When you made this statement to the Colorado 9 Police, that was closer in time to when you were 10 living with the Kelleys; is that right?</p>

	<p>11 A Yes, ma'am.</p> <p>12 Q And I believe you said that the Kelleys</p> <p>13 moved out the day of or the day before you filed this</p> <p>14 report; is that correct?</p> <p>15 A Yes, ma'am. I believe I filed it on</p> <p>16 July 14th, and they had moved out of my apartment the</p> <p>17 night prior.</p> <p>18 Q So I can't do that math. Well, whatever the</p> <p>19 math is, June 26th to July 13th or 14th, that's how</p> <p>20 long you lived with the Kelleys; is that fair?</p> <p>21 A Yes, ma'am.</p>
35:12-36:2	<p>12 Q You said that neither of them had jobs, but</p> <p>13 you and Danielle had previously worked together.</p> <p>14 When did Danielle stop working?</p> <p>15 A I don't recall when she had stopped working.</p> <p>16 I know that she had went on maternity leave when she</p> <p>17 had Michael, but I don't recall whether or not she</p> <p>18 went back after.</p> <p>19 Q Do you know why she stopped working or</p> <p>20 possibly why she didn't go back?</p> <p>21 A I recall that Devin was not a fan of her</p> <p>22 just going out and being on her own. It was his</p> <p>23 preference that she stay at home the majority of the</p> <p>24 day.</p> <p>25 Q Were you and Danielle close when you moved</p> <p>1 in together?</p> <p>2 A In my opinion, yes.</p>
36:13-38:5	<p>13 Q Before you moved in together, would you have</p> <p>14 personal conversations with Danielle?</p> <p>15 A Yes, but nothing in regards to Devin. It</p> <p>16 was probably just more about like her life, and where</p> <p>17 she grow up, and where she went to school. It was</p> <p>18 never anything like private.</p> <p>19 Q Did you have personal conversations after</p> <p>20 you moved in together?</p> <p>21 A Yes, ma'am.</p> <p>22 Q What kinds of -- what did you talk about in</p> <p>23 those conversations?</p> <p>24 A Primarily we just spoke about Devin and his</p> <p>25 past. That's when she initially started opening up</p> <p>1 to me about, um, their past relationship with each</p> <p>2 other and, um, his life before he met her and stuff</p> <p>3 in regards to that.</p> <p>4 Q What did she tell you about Devin's life</p> <p>5 before he met her?</p> <p>6 A Um, she had shared that Devin was previously</p>

	<p>7 married, that he -- there was some abuse between him</p> <p>8 and the woman he was married to and also her child.</p> <p>9 To my memory, they had also mentioned something about</p> <p>10 a dog being involved in the abuse. She had mentioned</p> <p>11 that he had been dishonorably discharged from the</p> <p>12 military. She had told me about occasions where he</p> <p>13 would push her down the stairs or hit her, verbally</p> <p>14 belittle her, just kind of stuff along those lines.</p> <p>15 Q Were there any specifics incidences --</p> <p>16 incidents, excuse me, that Danielle told you about</p> <p>17 where Devin was abusive?</p> <p>18 A Yes, ma'am. I remember a conversation and</p> <p>19 when she told me prior to being pregnant with</p> <p>20 Michael, she had been pregnant before and he had</p> <p>21 pushed her I believe it was down stairs and she had</p> <p>22 had a miscarriage after that. I don't have any</p> <p>23 memory of any other instances.</p> <p>24 Q When would you have these conversations?</p> <p>25 You know, Devin was also around all the time.</p> <p>1 A Yeah. Primarily we would just talk when</p> <p>2 Devin would be in the shower or using the restroom,</p> <p>3 in his room playing video games. Pretty much they</p> <p>4 were very brief conversations between her and I when</p> <p>5 he was out of the room for a little bit.</p>
39:22-41:24	<p>22 Q How would you describe Devin Kelley at the</p> <p>23 time that you were living with him?</p> <p>24 A Um, I would describe Devin Kelley as very</p> <p>25 persuasive, opinionated, more or less on the</p> <p>1 aggressive side in terms of like making seductive</p> <p>2 comments more aggressively. He had a very</p> <p>3 big-man-in-charge personality. Yeah.</p> <p>4 Q You said he was very persuasive. How was he</p> <p>5 persuasive?</p> <p>6 A Um, more like suggestive persuasive. Like</p> <p>7 if he wanted to do something, that's what was going</p> <p>8 to happen. If he wanted to buy something particular</p> <p>9 at the grocery store, that's what we were buying. If</p> <p>10 he wanted to watch a particular movie, that's what we</p> <p>11 were watching because that's what he wanted to watch.</p> <p>12 Q So he was very much like in control; is that</p> <p>13 fair?</p> <p>14 A Yes, ma'am.</p> <p>15 MR. SCHREIBER: Objection. Leading.</p> <p>16 BY MS. KRIEGER:</p> <p>17 Q When you said he had like a big-man</p> <p>18 personality, what -- what do you mean by that?</p>

	<p>19 A Um, I meant that he, um, presented himself 20 as bigger than you, stronger than you, his opinion 21 was more important than yours. Like he was higher 22 than you when you were kind of down here. It was his 23 life and you were kind of just living in it. I don't 24 know if that makes sense.</p> <p>25 Q Was Kelley -- was Devin Kelley ever 1 aggressive?</p> <p>2 A Not toward me. Um, more verbally -- more 3 verbally aggressive I would say in terms of towards 4 other people. He would not be verbally aggressive 5 towards them, but he would talk to Danielle and I 6 about -- I don't know if that makes sense -- um, 7 about his opinions and ideas about other people in 8 more of an aggressive way.</p> <p>9 Q Can you give any example of how he would be 10 aggressive about other people to you and Danielle?</p> <p>11 A Yes. Thank you for explaining it better. 12 If we were driving in the car and somebody got in 13 front of him, he would kind of scream out in the car. 14 He was very -- um, he had a lot of road range. He 15 was very verbally aggressive when he was in the car. 16 If he saw someone that he did not like in the grocery 17 store, he would mumble words under his breath, 18 inappropriate words, about the people. As it said on 19 the document that we had just read, he was very 20 racist towards Hispanic people. So whenever he would 21 see a Hispanic person or something would happen in 22 regards to him and a Hispanic person, he would make 23 comments to Danielle and I about them and their race 24 in more of an aggressive way.</p>
42:5-44:25	<p>5 Q Did you -- did you observe Devin and 6 Danielle's relationship while you were living with 7 them?</p> <p>8 A I would say so, yes.</p> <p>9 Q Can you describe their relationship?</p> <p>10 A Yes, I would describe it as kind of -- like 11 I mentioned before, Devin was kind of in charge. 12 Danielle would do whatever he wanted. He would take 13 whatever he wanted to eat and Danielle would make it 14 for him. Michael would be crying -- their baby 15 Michael would be crying and Devin would tell 16 Danielle, hey, you need to go do this for the baby. 17 So it was very, yes, controlling in terms of what 18 Devin wanted. It was going to happen. It was kind 19 of an I'm in charge, if that makes sense.</p>

20 Q Can you give examples of Devin being
21 controlling?

22 A Um, nothing particular strikes my memory
23 more than like the movies that we wanted to watch.
24 It would be his choice. The food that we ate would
25 be his choice. He always needed her when we were out
1 in public, he needed to be walking right beside her.
2 Um, she would always be wearing baggy clothes. I
3 believe that was because of his preference. She
4 would not wear any makeup. And I believe that was
5 per Devin. And then back to the job situation
6 between the two of them, I believe that Danielle did
7 not have a job and that was primarily because of
8 Devin's opinion.

9 Q Did Danielle have any friends that she
10 associated with without Devin?

11 A Without Devin I wouldn't -- no.

12 Q I'm sorry. Is that a "no" or you wouldn't
13 know?

14 A I'm sorry. No, I don't believe so.

15 Q Did Devin control Danielle's communications?

16 A Yes. They shared one cellphone in which
17 they had the same Facebook page. They shared the
18 same Facebook page. I don't recall her having any
19 other form, um, of her own communication. The text
20 message conversation between her and I where she
21 shared what was happening with Michael, I believe
22 that was through like a text messaging app that she
23 had on the phone. I believe that that was deleted
24 shortly after she used it. So it wasn't like an out
25 in open personal kind of conversation. It was more
1 like if I wanted to talk to somebody it would be
2 private and more secretive, I guess.

3 Q The report -- when we looked at the F.B.I.
4 report and you put a correction about Devin's sexual
5 fetishes, can you tell me a little bit more about
6 your knowledge of the Kelleys' sex life?

7 A Yes. To my memory, we were standing in the
8 living room, Danielle and I one day. And I believe
9 Devin was using the restroom or the shower. He was
10 in their bedroom bathroom. And she had made a
11 comment to me about something that Devin had bought
12 previously that day. It was more of a strong
13 suggestion on his part that they had gotten it. She
14 let me peek into their room. There was some sex toys
15 laying on the bed. I guess they had a conversation

	<p>16 about that. She had relayed to me that it wasn't</p> <p>17 really her choice to use them, that it was more along</p> <p>18 the lines of what he wanted. She wasn't as big of a</p> <p>19 fan of them as he was.</p> <p>20 Q Did you get the impression that she was</p> <p>21 happy to use the sex toys to make Devin happy?</p> <p>22 A Um, I believe so. I don't think that she</p> <p>23 would have used the sex toys in any other situation.</p> <p>24 I believe that the only reason that they were using</p> <p>25 them was because it was what Devin wanted.</p>
85:18-86:2	<p>18 You mentioned -- at one point you said when</p> <p>19 we were looking at one of the F.B.I. documents, you</p> <p>20 said that fetishes were forced on Danielle. Did</p> <p>21 you -- did Danielle -- did Devin force sexual</p> <p>22 activity on Danielle?</p> <p>23 A Yes. Like I had mentioned, I had seen some</p> <p>24 sex toys in their bedroom. She had mentioned that</p> <p>25 they had used them, and it wasn't really her choice</p> <p>1 or her preference to use them. Other than that, I --</p> <p>2 there is nothing else that I can recall.</p>
47:3-12	<p>3 Q Did they ever -- did Devin and Danielle ever</p> <p>4 do anything separately?</p> <p>5 A Not to my recollection no, other than use</p> <p>6 the restroom.</p> <p>7 Q Was interest ever an occasion where one of</p> <p>8 them went to the grocery store without the other one?</p> <p>9 A To my memory, no. Every time there was</p> <p>10 something that needed to happen outside of the</p> <p>11 apartment, they both went. Well, all of three of</p> <p>12 them went together.</p>
50:3-10	<p>3 Q How would Danielle respond when Devin</p> <p>4 insulted her or told her what she had to do?</p> <p>5 A From my memory, she was just very quiet,</p> <p>6 wasn't very argumentative about things. She would</p> <p>7 just kind of take what he said and move on, I guess.</p> <p>8 Q Did she ever push back when he told her to</p> <p>9 do something?</p> <p>10 A Not to my memory, no.</p>
56:12-57:23	<p>12 Q Did Devin Kelley seem to you to be an honest</p> <p>13 man?</p> <p>14 A No.</p> <p>15 Q Why do you say that?</p> <p>16 A I think it was just my perception of him,</p> <p>17 just knowing the things that I knew about him I just</p> <p>18 wouldn't have pegged him as a very honest person.</p> <p>19 Nothing in particular, but --</p>

	<p>20 Q When you say the things you knew about him,</p> <p>21 like what?</p> <p>22 A Just the abuse from his past. Um, I take</p> <p>23 that as manipulation. Being that are manipulative</p> <p>24 aren't very honest, in my opinion.</p> <p>25 Q Did Devin ever talk to you about weapons?</p> <p>1 A Aside from the gun that he had had in his</p> <p>2 closet, they had one of those police batons. But</p> <p>3 outside of that, I don't recall any particular</p> <p>4 conversation about weapons.</p> <p>5 Q When did you see the gun that was in Devin's</p> <p>6 closet?</p> <p>7 A While we were living together in the</p> <p>8 apartment. Um, I don't know how that conversation</p> <p>9 came about, but I remember we all kind of were in</p> <p>10 their closet probably unpacking and he pulled it out</p> <p>11 and he showed it to me.</p> <p>12 Q Do you know what kind of gun it was?</p> <p>13 A Not particular what kind. I do know it was</p> <p>14 a little handheld gun, smaller.</p> <p>15 Q Do you know if the gun was loaded?</p> <p>16 A I don't recall whether it was or was not.</p> <p>17 Q Do you know if Devin ever concealed carried</p> <p>18 weapons?</p> <p>19 A In my memory, he did have a concealed carry</p> <p>20 gun that he carried, but I don't ever remember him</p> <p>21 showing me. I remember him speaking about it, but</p> <p>22 never like pulling it out and showing me or being</p> <p>23 obvious with it.</p>
60:14-20	<p>14 Q Did Devin ever seem angry?</p> <p>15 A Daily, yes.</p> <p>16 Q How did he seem angry?</p> <p>17 A I'm -- it just seemed like who he was. He</p> <p>18 just seemed like an angry person, towards Hispanic</p> <p>19 people, drivers, pretty much anything that didn't go</p> <p>20 his way, I guess, would upset him.</p>
64:6-13	<p>6 Q Um, when Devin wanted something, would he --</p> <p>7 would you say he was determined to get it?</p> <p>8 A Oh, yeah.</p> <p>9 Q Can you give an example?</p> <p>10 A Um, like to bring back the eating, whatever</p> <p>11 he wanted to eat or the movie he wanted to watch, he</p> <p>12 always had a reason for why that was the best option</p> <p>13 at the time.</p>
64:23-65:7	<p>23 Q If something was getting in Devin's way of</p> <p>24 getting what he wants, how would he respond to that?</p>

	<p>25 A Um, I don't know how to explain it other 1 than a child. Just kind of temper tantrum-y. If he 2 didn't get what he wanted, he made sure to let people 3 know that he was unhappy or just kind of in that 4 sense, I guess. 5 Q Would Devin lie to get his way? 6 A In my opinion, yes. I don't have any 7 examples of that, but in my opinion yes.</p>
67:3-68:3	<p>3 Q Obviously hindsight in 2020. But at the 4 time that you were living with the Kelleys, did you 5 ever think that he would commit a mass shooting at 6 his mother-in-law's church? 7 A No. 8 Q With all the knowledge that you had, knowing 9 that he had abused his family, that he was 10 aggressive, that he owned firearms, did it ever occur 11 to you that he might commit a mass shooting? 12 MR. SCHREIBER: Objection to form, calls for 13 speculation. 14 THE WITNESS: Um, I don't particularly ever 15 remember having that thought, that particular 16 thought, no. 17 BY MS. KRIEGER: 18 Q Did you ever think that he would commit I'll 19 say a non-mass shooting, that he would ever -- did 20 you ever think that he might shoot someone? 21 MR. SCHREIBER: Calls for speculation. 22 THE WITNESS: Yeah. Um, he just seemed like 23 the type of person that if he didn't get his way, he 24 would do whatever it took to get what he wanted. And 25 knowing that he had the past that he and he had the 1 anger problems that in my opinion he had, I think at 2 that time I definitely could have seen him lashing 3 out in that sense.</p>
68:13-69:10	<p>13 Q Do you believe that if Devin had asked 14 Danielle to purchase a weapon for him, how do you 15 think she would have responded? 16 MR. SCHREIBER: Calls for speculation. 17 Objection. 18 THE WITNESS: Um, in my opinion, when Devin 19 wanted something from Danielle, she would do whatever 20 it took to make him happy. I don't particularly 21 think that if she would have known what was going to 22 happen with the firearm she would have done it. But 23 if it was like an everyday type of question, I guess 24 I could see her doing it. Buying the gun. I'm</p>

	<p>25 sorry.</p> <p>1 BY MS. KRIEGER:</p> <p>2 Q So just to be clear if Devin had asked</p> <p>3 Danielle to purchase a weapon, do you think that</p> <p>4 Danielle would have purchased it for him?</p> <p>5 MR. SCHREIBER: Objection. Calls for</p> <p>6 speculation.</p> <p>7 THE WITNESS: Um, yes. Um, just to add on</p> <p>8 to that, in my opinion if she knew what it was going</p> <p>9 to be used for, I don't think she would have. But</p> <p>10 yes.</p>
<p>19:23-20:25 [JEX 62]</p>	<p>23 Q And I will show you a fourth image that I</p> <p>24 received, which will be Exhibit 6.</p> <p>25 (Exhibit 6 was marked for identification.)</p> <p>1 BY MS. KRIEGER:</p> <p>2 Q What is this image?</p> <p>3 A This is a screen shot of a conversation</p> <p>4 between Devin Kelley and myself. Yes.</p> <p>5 Q Did you take the screen shot?</p> <p>6 A Yes, ma'am.</p> <p>7 Q What was the date that you received these</p> <p>8 messages from Devin Kelley?</p> <p>9 A I don't recall at the moment. I could go</p> <p>10 back into the conversation where this picture was</p> <p>11 taken and look at it, if you would like.</p> <p>12 Q To be clear, you do still have this</p> <p>13 conversation on your phone or --</p> <p>14 A Yes, I still have this picture on my phone.</p> <p>15 Q Okay. You don't have to look at this</p> <p>16 second.</p> <p>17 A Okay.</p> <p>18 Q Maybe when we take a break, if you could</p> <p>19 check and we can confirm.</p> <p>20 A Yes.</p> <p>21 Q How did you know that these -- how did you</p> <p>22 know that these texts were sent from Devin Kelley?</p> <p>23 A This I believe was the phone number that I</p> <p>24 had for Devin Kelley. That's why his name was saved</p> <p>25 under the phone number as shown in the picture.</p>
<p>70:20-73:20 [JEX 61] [JEX 62]</p>	<p>20 Q After you lived together, did he do anything</p> <p>21 that felt threatening?</p> <p>22 A Danielle had mentioned after they left about</p> <p>23 how he would go into my bedroom while I was away and</p> <p>24 do God knows what inside my bedroom. And in my</p> <p>25 opinion that was threatening, but I didn't know that</p> <p>1 at the time while we were living together.</p>

2 Q When you say "do God knows what," the report
3 mentions that you said -- the F.B.I. report mentions
4 that he would masturbate on your clothes?
5 A On my underwear. Yes. Um, I had found out
6 that he was going into my room and masturbating on my
7 underwear. Um, and also I had my iPad at the time.
8 I guess he went into my room and he was -- I don't
9 know how he got onto my iPad, but I guess he was on
10 my iPad looking through my photos and stuff like
11 that.
12 Q Did he send any of your photos or other
13 personal information to himself that you are aware
14 of?
15 A Not that I am aware of, no.
16 Q Other than the going into your room while
17 you were not home, did Devin make any sexual advances
18 to your face while you were living together?
19 A No, ma'am.
20 Q Um, did he make sexual advances towards you
21 after they moved out?
22 A Via the text messages, yes.
23 Q Okay. When did that -- when did he first
24 send you a sexual text message?
25 A Um, I don't have a particular like date in
1 mind, but, um, if I could make a guess, um, I would
2 say probably a few months after they had left would
3 have been the first one.
4 Q And we have seen some examples in Exhibits 5
5 and 6. Would you say that those are kind of
6 representative of the kinds of text messages that he
7 would send?
8 A Yes. In the examples that you have, it was
9 him asking me to show him particular things. In
10 other text messages that I was receiving, it was him
11 asking me to perform specific things for money.
12 Q I'm sorry to ask you this, but can you be
13 more specific? I know this is hard.
14 A It's okay. In one text message that I
15 recall, it was him asking me to give him oral sex.
16 Um, I believe there was another one where he was
17 asking for sex in general, but just along those
18 lines.
19 Q How would you respond to his text messages?
20 A Um, probably using some language I shouldn't
21 have, but in a very -- in a sense in which he would
22 know that it was a "no" type words, me being very --

	<p>23 Q You can say it. It's okay.</p> <p>24 A Yeah. Um, I just, um -- I just did it in a</p> <p>25 sense where he would blatantly know that the answer</p> <p>1 was no. I guess I was very upset that he would even</p> <p>2 text me in the first place, so I would pass that on</p> <p>3 and tell him "no" and tell him to lose my number.</p> <p>4 Q Would you block his number?</p> <p>5 A Yes.</p> <p>6 Q Approximately how many times do you think he</p> <p>7 texted you with these sexual propositions?</p> <p>8 A Um, I would say probably between four and</p> <p>9 five text messages.</p> <p>10 Q Um, when was the last time that Devin texted</p> <p>11 you?</p> <p>12 A I want to say the last text message that I</p> <p>13 got was the one that the F.B.I. had. I don't recall</p> <p>14 a date on that, but I want to say that was the last</p> <p>15 text messages, last conversations that he and I had</p> <p>16 had in terms of asking for anything sexual.</p> <p>17 Q Do you know what year that would have been?</p> <p>18 A I don't remember. It's the picture that you</p> <p>19 have, the date that's on top of that conversation</p> <p>20 should be it.</p>
76:5-77:9	<p>5 Q Okay. So you mentioned the night with the</p> <p>6 bruises on the baby's legs. Can you tell me what</p> <p>7 happened that night?</p> <p>8 A To my memory, um, Devin was in the restroom</p> <p>9 whether taking a shower or using the restroom,</p> <p>10 whatever. Danielle came out and spoke with me and</p> <p>11 mentioned something with Michael. Then we continued</p> <p>12 talking about whatever, um, she was mentioning</p> <p>13 through the text messaging app that we had, told me</p> <p>14 about the bruises. I went in to see them. Saw them.</p> <p>15 She had sent me pictures.</p> <p>16 I remember telling her in the conversation,</p> <p>17 um, you either need to leave him. We need to go talk</p> <p>18 to the police. Something needs to happen. It's one</p> <p>19 thing to be abused yourself by him. That's not</p> <p>20 anything anyone else can do anything about really.</p> <p>21 You have to be the person to do that. But Michael is</p> <p>22 an innocent little baby. Someone needs to be looking</p> <p>23 out for him. So if you don't do something about it,</p> <p>24 I am going to.</p> <p>25 She just kept telling me that she was going</p> <p>1 to leave Devin. She was going to leave him. She was</p> <p>2 going to tell him that what he was doing was not</p>

	<p>3 okay. She kept asking me not to tell the police</p> <p>4 because she was concerned that Michael was going to</p> <p>5 be taken away from them.</p> <p>6 Then my god-sister came over. Her and I</p> <p>7 went out to go swimming that night. When we came</p> <p>8 back, we fell asleep. The next morning we woke up,</p> <p>9 and that's when I noticed that they were gone.</p>
82:4-83:9	<p>4 Q Were you home when the Kelleys left?</p> <p>5 A No. Not to my knowledge. I don't ever</p> <p>6 remember hearing them moving stuff out. In my</p> <p>7 opinion, they left while I was swimming with my</p> <p>8 god-sister.</p> <p>9 Q So you woke up in the morning, and they were</p> <p>10 just gone; is that right?</p> <p>11 A Yes, ma'am.</p> <p>12 Q What did you do when you saw that they were</p> <p>13 gone?</p> <p>14 A My god-sister was still in the apartment</p> <p>15 with me. She came over and stayed the night that</p> <p>16 night. Um, we woke up, realized they were gone, got</p> <p>17 in my car and drove to the nearest police station so</p> <p>18 I could file the police report.</p> <p>19 Q Um, did you try and contact either of the</p> <p>20 Kelleys when you saw they were gone?</p> <p>21 A Um, in my memory, I did. I tried to like</p> <p>22 text and kind of act like nothing was going on. Um,</p> <p>23 just "Hey, what's going on? When are you coming back</p> <p>24 for dinner? I just want to like be able to plan my</p> <p>25 day." And in my memory, they were just kind of going</p> <p>1 along with it. I tried to call them. And eventually</p> <p>2 she just kind of texted me and said, "Hey, this is</p> <p>3 best. We are just going our separate ways." We are</p> <p>4 not coming back essentially.</p> <p>5 Q Was that before -- when you got that message</p> <p>6 from Danielle, was that before or after you went to</p> <p>7 the police?</p> <p>8 A After. I went to the police the first thing</p> <p>9 in the morning.</p>
90:13-91:4	<p>13 Q What is your opinion of Danielle now?</p> <p>14 A Um, at this current moment my opinion?</p> <p>15 Q Yes.</p> <p>16 A Um, I hate to say it but kind of for lack of</p> <p>17 a better word a liar. I had seen something like a</p> <p>18 conversation or news report from like the Washington</p> <p>19 Post, I think it was, in regards to her relationship</p> <p>20 and her life with Devin, and I can remember thinking</p>

	<p>21 all of it was a lie, everything she was saying was a</p> <p>22 lie.</p> <p>23 I think she is a sweet person, but I think</p> <p>24 at a certain point when sweet people have</p> <p>25 manipulative people in their life for an extended</p> <p>1 period of time it kind of takes a toll on them. But</p> <p>2 she loves her kid, and that's something to be said.</p> <p>3 I think it shows a person for how they treat their</p> <p>4 kid.</p>
107:17-108:5	<p>17 Q Do you think Danielle maybe had kind of a</p> <p>18 blind spot with it came to Devin?</p> <p>19 MR. SCHREIBER: Objection. Calls for</p> <p>20 speculation.</p> <p>21 THE WITNESS: Um, possibly. Um, I think</p> <p>22 that she was well aware of who he was as a person.</p> <p>23 Um, but relationships like this, I feel like there's</p> <p>24 always -- people always try to find a reason to stay.</p> <p>25 Um, so that could have possibly been a blind spot,</p> <p>1 because one reason why she should stay.</p> <p>2 BY MS. KRIEGER:</p> <p>3 Q Did you ever see Danielle directly tell</p> <p>4 Devin "no"?</p> <p>5 A Not to my knowledge, no.</p>
<u>Designated</u> <u>testimony</u>	<u>Transcript</u>
32:19-34:6	<p>19 Q How did you come to live with the Kelleys?</p> <p>20 A A few months after I had met them, I was</p> <p>21 living at the time at my mother's house. It was just</p> <p>22 time for me to move on with my life. And they were</p> <p>23 interested in getting an apartment and getting out of</p> <p>24 their trailer home. And so we had spoken about</p> <p>25 possibly getting an apartment together, and we ended</p> <p>1 up doing that.</p> <p>2 Q Um, did you know -- how well did you know</p> <p>3 Danielle before you moved in together?</p> <p>4 A Not very well.</p> <p>5 Q How long had you known Danielle at that</p> <p>6 point in time?</p> <p>7 A Just a few months.</p> <p>8 Q Did you know Devin well before you moved in</p> <p>9 with them?</p> <p>10 A Not very well. I only knew him when we --</p> <p>11 when I went over to see them and see their baby.</p> <p>12 Just kind of in passing I guess I knew him.</p> <p>13 Q How many times do you think you had met</p> <p>14 Devin before you moved in with them?</p>

	<p>15 A To my memory, I would say three.</p> <p>16 Q Where -- so you all moved in together. You</p> <p>17 don't have to give me the address, but what city were</p> <p>18 you all living in at that time?</p> <p>19 A The apartment we moved into was here in</p> <p>20 Colorado Springs.</p> <p>21 Q And how big of an apartment was it?</p> <p>22 A It was a two bedroom/two bath apartment.</p> <p>23 Q While you were living -- how long did you</p> <p>24 and the Kelleys live together for?</p> <p>25 A I want to say it was a little over two weeks</p> <p>1 before they had left.</p> <p>2 Q You only lived with them for two weeks?</p> <p>3 A Yes, ma'am.</p> <p>4 Q When you were living with them, how often</p> <p>5 did you see them?</p> <p>6 A I saw them daily, yeah.</p>
26:20-24 [JEX 46]	<p>20 Q Okay. And then I will show you one more</p> <p>21 document, which we -- there it is -- which we will</p> <p>22 mark as Exhibit 9. I will make it full screen. This</p> <p>23 is an eight-page document. The Bates number at the</p> <p>24 bottom is USA 00023557.</p>
38:19-39:21 [JEX 46]	<p>19 Q I just wanted to follow up on something that</p> <p>20 I had asked you about a second ago. You said that</p> <p>21 you lived them for two weeks, the Kelleys for two</p> <p>22 weeks. I am going to show you Exhibit 9 again. This</p> <p>23 is on the page that is marked the last Exhibit 23561.</p> <p>24 It says under "Emily Willis statement, Ms. Willis</p> <p>25 says she has been living with the Kelleys since</p> <p>1 June 26th, 2015." Is that -- to your recollection,</p> <p>2 is that accurate?</p> <p>3 A To my recollection, yes.</p> <p>4 Q At the time that you made that statement to</p> <p>5 the Colorado Police, that was fairly close in time to</p> <p>6 when you were living with the Kelleys; right?</p> <p>7 A I'm sorry. You said --</p> <p>8 Q When you made this statement to the Colorado</p> <p>9 Police, that was closer in time to when you were</p> <p>10 living with the Kelleys; is that right?</p> <p>11 A Yes, ma'am.</p> <p>12 Q And I believe you said that the Kelleys</p> <p>13 moved out the day of or the day before you filed this</p> <p>14 report; is that correct?</p> <p>15 A Yes, ma'am. I believe I filed it on</p> <p>16 July 14th, and they had moved out of my apartment the</p> <p>17 night prior.</p>

	<p>18 Q So I can't do that math. Well, whatever the</p> <p>19 math is, June 26th to July 13th or 14th, that's how</p> <p>20 long you lived with the Kelleys; is that fair?</p> <p>21 A Yes, ma'am.</p>
35:12-36:2	<p>12 Q You said that neither of them had jobs, but</p> <p>13 you and Danielle had previously worked together.</p> <p>14 When did Danielle stop working?</p> <p>15 A I don't recall when she had stopped working.</p> <p>16 I know that she had went on maternity leave when she</p> <p>17 had Michael, but I don't recall whether or not she</p> <p>18 went back after.</p> <p>19 Q Do you know why she stopped working or</p> <p>20 possibly why she didn't go back?</p> <p>21 A I recall that Devin was not a fan of her</p> <p>22 just going out and being on her own. It was his</p> <p>23 preference that she stay at home the majority of the</p> <p>24 day.</p> <p>25 Q Were you and Danielle close when you moved</p> <p>1 in together?</p> <p>2 A In my opinion, yes.</p>
36:13-38:5	<p>13 Q Before you moved in together, would you have</p> <p>14 personal conversations with Danielle?</p> <p>15 A Yes, but nothing in regards to Devin. It</p> <p>16 was probably just more about like her life, and where</p> <p>17 she grow up, and where she went to school. It was</p> <p>18 never anything like private.</p> <p>19 Q Did you have personal conversations after</p> <p>20 you moved in together?</p> <p>21 A Yes, ma'am.</p> <p>22 Q What kinds of -- what did you talk about in</p> <p>23 those conversations?</p> <p>24 A Primarily we just spoke about Devin and his</p> <p>25 past. That's when she initially started opening up</p> <p>1 to me about, um, their past relationship with each</p> <p>2 other and, um, his life before he met her and stuff</p> <p>3 in regards to that.</p> <p>4 Q What did she tell you about Devin's life</p> <p>5 before he met her?</p> <p>6 A Um, she had shared that Devin was previously</p> <p>7 married, that he -- there was some abuse between him</p> <p>8 and the woman he was married to and also her child.</p> <p>9 To my memory, they had also mentioned something about</p> <p>10 a dog being involved in the abuse. She had mentioned</p> <p>11 that he had been dishonorably discharged from the</p> <p>12 military. She had told me about occasions where he</p> <p>13 would push her down the stairs or hit her, verbally</p>

	<p>14 belittle her, just kind of stuff along those lines.</p> <p>15 Q Were there any specifics incidences --</p> <p>16 incidents, excuse me, that Danielle told you about</p> <p>17 where Devin was abusive?</p> <p>18 A Yes, ma'am. I remember a conversation and</p> <p>19 when she told me prior to being pregnant with</p> <p>20 Michael, she had been pregnant before and he had</p> <p>21 pushed her I believe it was down stairs and she had</p> <p>22 had a miscarriage after that. I don't have any</p> <p>23 memory of any other instances.</p> <p>24 Q When would you have these conversations?</p> <p>25 You know, Devin was also around all the time.</p> <p>1 A Yeah. Primarily we would just talk when</p> <p>2 Devin would be in the shower or using the restroom,</p> <p>3 in his room playing video games. Pretty much they</p> <p>4 were very brief conversations between her and I when</p> <p>5 he was out of the room for a little bit.</p>
39:22-41:24	<p>22 Q How would you describe Devin Kelley at the</p> <p>23 time that you were living with him?</p> <p>24 A Um, I would describe Devin Kelley as very</p> <p>25 persuasive, opinionated, more or less on the</p> <p>1 aggressive side in terms of like making seductive</p> <p>2 comments more aggressively. He had a very</p> <p>3 big-man-in-charge personality. Yeah.</p> <p>4 Q You said he was very persuasive. How was he</p> <p>5 persuasive?</p> <p>6 A Um, more like suggestive persuasive. Like</p> <p>7 if he wanted to do something, that's what was going</p> <p>8 to happen. If he wanted to buy something particular</p> <p>9 at the grocery store, that's what we were buying. If</p> <p>10 he wanted to watch a particular movie, that's what we</p> <p>11 were watching because that's what he wanted to watch.</p> <p>12 Q So he was very much like in control; is that</p> <p>13 fair?</p> <p>14 A Yes, ma'am.</p> <p>15 MR. SCHREIBER: Objection. Leading.</p> <p>16 BY MS. KRIEGER:</p> <p>17 Q When you said he had like a big-man</p> <p>18 personality, what -- what do you mean by that?</p> <p>19 A Um, I meant that he, um, presented himself</p> <p>20 as bigger than you, stronger than you, his opinion</p> <p>21 was more important than yours. Like he was higher</p> <p>22 than you when you were kind of down here. It was his</p> <p>23 life and you were kind of just living in it. I don't</p> <p>24 know if that makes sense.</p> <p>25 Q Was Kelley -- was Devin Kelley ever</p>

	<p>1 aggressive?</p> <p>2 A Not toward me. Um, more verbally -- more</p> <p>3 verbally aggressive I would say in terms of towards</p> <p>4 other people. He would not be verbally aggressive</p> <p>5 towards them, but he would talk to Danielle and I</p> <p>6 about -- I don't know if that makes sense -- um,</p> <p>7 about his opinions and ideas about other people in</p> <p>8 more of an aggressive way.</p> <p>9 Q Can you give any example of how he would be</p> <p>10 aggressive about other people to you and Danielle?</p> <p>11 A Yes. Thank you for explaining it better.</p> <p>12 If we were driving in the car and somebody got in</p> <p>13 front of him, he would kind of scream out in the car.</p> <p>14 He was very -- um, he had a lot of road range. He</p> <p>15 was very verbally aggressive when he was in the car.</p> <p>16 If he saw someone that he did not like in the grocery</p> <p>17 store, he would mumble words under his breath,</p> <p>18 inappropriate words, about the people. As it said on</p> <p>19 the document that we had just read, he was very</p> <p>20 racist towards Hispanic people. So whenever he would</p> <p>21 see a Hispanic person or something would happen in</p> <p>22 regards to him and a Hispanic person, he would make</p> <p>23 comments to Danielle and I about them and their race</p> <p>24 in more of an aggressive way.</p>
42:5-44:25	<p>5 Q Did you -- did you observe Devin and</p> <p>6 Danielle's relationship while you were living with</p> <p>7 them?</p> <p>8 A I would say so, yes.</p> <p>9 Q Can you describe their relationship?</p> <p>10 A Yes, I would describe it as kind of -- like</p> <p>11 I mentioned before, Devin was kind of in charge.</p> <p>12 Danielle would do whatever he wanted. He would take</p> <p>13 whatever he wanted to eat and Danielle would make it</p> <p>14 for him. Michael would be crying -- their baby</p> <p>15 Michael would be crying and Devin would tell</p> <p>16 Danielle, hey, you need to go do this for the baby.</p> <p>17 So it was very, yes, controlling in terms of what</p> <p>18 Devin wanted. It was going to happen. It was kind</p> <p>19 of an I'm in charge, if that makes sense.</p> <p>20 Q Can you give examples of Devin being</p> <p>21 controlling?</p> <p>22 A Um, nothing particular strikes my memory</p> <p>23 more than like the movies that we wanted to watch.</p> <p>24 It would be his choice. The food that we ate would</p> <p>25 be his choice. He always needed her when we were out</p> <p>1 in public, he needed to be walking right beside her.</p>

2 Um, she would always be wearing baggy clothes. I
3 believe that was because of his preference. She
4 would not wear any makeup. And I believe that was
5 per Devin. And then back to the job situation
6 between the two of them, I believe that Danielle did
7 not have a job and that was primarily because of
8 Devin's opinion.

9 Q Did Danielle have any friends that she
10 associated with without Devin?

11 A Without Devin I wouldn't -- no.

12 Q I'm sorry. Is that a "no" or you wouldn't
13 know?

14 A I'm sorry. No, I don't believe so.

15 Q Did Devin control Danielle's communications?

16 A Yes. They shared one cellphone in which
17 they had the same Facebook page. They shared the
18 same Facebook page. I don't recall her having any
19 other form, um, of her own communication. The text
20 message conversation between her and I where she
21 shared what was happening with Michael, I believe
22 that was through like a text messaging app that she
23 had on the phone. I believe that that was deleted
24 shortly after she used it. So it wasn't like an out
25 in open personal kind of conversation. It was more
1 like if I wanted to talk to somebody it would be
2 private and more secretive, I guess.

3 Q The report -- when we looked at the F.B.I.
4 report and you put a correction about Devin's sexual
5 fetishes, can you tell me a little bit more about
6 your knowledge of the Kelleys' sex life?

7 A Yes. To my memory, we were standing in the
8 living room, Danielle and I one day. And I believe
9 Devin was using the restroom or the shower. He was
10 in their bedroom bathroom. And she had made a
11 comment to me about something that Devin had bought
12 previously that day. It was more of a strong
13 suggestion on his part that they had gotten it. She
14 let me peek into their room. There was some sex toys
15 laying on the bed. I guess they had a conversation
16 about that. She had relayed to me that it wasn't
17 really her choice to use them, that it was more along
18 the lines of what he wanted. She wasn't as big of a
19 fan of them as he was.

20 Q Did you get the impression that she was
21 happy to use the sex toys to make Devin happy?

22 A Um, I believe so. I don't think that she

	<p>23 would have used the sex toys in any other situation.</p> <p>24 I believe that the only reason that they were using</p> <p>25 them was because it was what Devin wanted.</p>
85:18-86:2	<p>18 You mentioned -- at one point you said when</p> <p>19 we were looking at one of the F.B.I. documents, you</p> <p>20 said that fetishes were forced on Danielle. Did</p> <p>21 you -- did Danielle -- did Devin force sexual</p> <p>22 activity on Danielle?</p> <p>23 A Yes. Like I had mentioned, I had seen some</p> <p>24 sex toys in their bedroom. She had mentioned that</p> <p>25 they had used them, and it wasn't really her choice</p> <p>1 or her preference to use them. Other than that, I --</p> <p>2 there is nothing else that I can recall.</p>
47:3-12	<p>3 Q Did they ever -- did Devin and Danielle ever</p> <p>4 do anything separately?</p> <p>5 A Not to my recollection no, other than use</p> <p>6 the restroom.</p> <p>7 Q Was interest ever an occasion where one of</p> <p>8 them went to the grocery store without the other one?</p> <p>9 A To my memory, no. Every time there was</p> <p>10 something that needed to happen outside of the</p> <p>11 apartment, they both went. Well, all of three of</p> <p>12 them went together.</p>
50:3-10	<p>3 Q How would Danielle respond when Devin</p> <p>4 insulted her or told her what she had to do?</p> <p>5 A From my memory, she was just very quiet,</p> <p>6 wasn't very argumentative about things. She would</p> <p>7 just kind of take what he said and move on, I guess.</p> <p>8 Q Did she ever push back when he told her to</p> <p>9 do something?</p> <p>10 A Not to my memory, no.</p>
56:12-57:23	<p>12 Q Did Devin Kelley seem to you to be an honest</p> <p>13 man?</p> <p>14 A No.</p> <p>15 Q Why do you say that?</p> <p>16 A I think it was just my perception of him,</p> <p>17 just knowing the things that I knew about him I just</p> <p>18 wouldn't have pegged him as a very honest person.</p> <p>19 Nothing in particular, but --</p> <p>20 Q When you say the things you knew about him,</p> <p>21 like what?</p> <p>22 A Just the abuse from his past. Um, I take</p> <p>23 that as manipulation. Being that are manipulative</p> <p>24 aren't very honest, in my opinion.</p> <p>25 Q Did Devin ever talk to you about weapons?</p> <p>1 A Aside from the gun that he had had in his</p>

	<p>2 closet, they had one of those police batons. But</p> <p>3 outside of that, I don't recall any particular</p> <p>4 conversation about weapons.</p> <p>5 Q When did you see the gun that was in Devin's</p> <p>6 closet?</p> <p>7 A While we were living together in the</p> <p>8 apartment. Um, I don't know how that conversation</p> <p>9 came about, but I remember we all kind of were in</p> <p>10 their closet probably unpacking and he pulled it out</p> <p>11 and he showed it to me.</p> <p>12 Q Do you know what kind of gun it was?</p> <p>13 A Not particular what kind. I do know it was</p> <p>14 a little handheld gun, smaller.</p> <p>15 Q Do you know if the gun was loaded?</p> <p>16 A I don't recall whether it was or was not.</p> <p>17 Q Do you know if Devin ever concealed carried</p> <p>18 weapons?</p> <p>19 A In my memory, he did have a concealed carry</p> <p>20 gun that he carried, but I don't ever remember him</p> <p>21 showing me. I remember him speaking about it, but</p> <p>22 never like pulling it out and showing me or being</p> <p>23 obvious with it.</p>
60:14-20	<p>14 Q Did Devin ever seem angry?</p> <p>15 A Daily, yes.</p> <p>16 Q How did he seem angry?</p> <p>17 A I'm -- it just seemed like who he was. He</p> <p>18 just seemed like an angry person, towards Hispanic</p> <p>19 people, drivers, pretty much anything that didn't go</p> <p>20 his way, I guess, would upset him.</p>
64:6-13	<p>6 Q Um, when Devin wanted something, would he --</p> <p>7 would you say he was determined to get it?</p> <p>8 A Oh, yeah.</p> <p>9 Q Can you give an example?</p> <p>10 A Um, like to bring back the eating, whatever</p> <p>11 he wanted to eat or the movie he wanted to watch, he</p> <p>12 always had a reason for why that was the best option</p> <p>13 at the time.</p>
64:23-65:7	<p>23 Q If something was getting in Devin's way of</p> <p>24 getting what he wants, how would he respond to that?</p> <p>25 A Um, I don't know how to explain it other</p> <p>1 than a child. Just kind of temper tantrum-y. If he</p> <p>2 didn't get what he wanted, he made sure to let people</p> <p>3 know that he was unhappy or just kind of in that</p> <p>4 sense, I guess.</p> <p>5 Q Would Devin lie to get his way?</p> <p>6 A In my opinion, yes. I don't have any</p>

	7 examples of that, but in my opinion yes.
67:3-68:3	<p>3 Q Obviously hindsight in 2020. But at the</p> <p>4 time that you were living with the Kelleys, did you</p> <p>5 ever think that he would comment a mass shooting at</p> <p>6 his mother-in-law's church?</p> <p>7 A No.</p> <p>8 Q With all the knowledge that you had, knowing</p> <p>9 that he had abused his family, that he was</p> <p>10 aggressive, that he owned firearms, did it ever occur</p> <p>11 to you that he might commit a mass shooting?</p> <p>12 MR. SCHREIBER: Objection to form, calls for</p> <p>13 speculation.</p> <p>14 THE WITNESS: Um, I don't particularly ever</p> <p>15 remember having that thought, that particular</p> <p>16 thought, no.</p> <p>17 BY MS. KRIEGER:</p> <p>18 Q Did you ever think that he would commit I'll</p> <p>19 say a non-mass shooting, that he would ever -- did</p> <p>20 you ever think that he might shoot someone?</p> <p>21 MR. SCHREIBER: Calls for speculation.</p> <p>22 THE WITNESS: Yeah. Um, he just seemed like</p> <p>23 the type of person that if he didn't get his way, he</p> <p>24 would do whatever it took to get what he wanted. And</p> <p>25 knowing that he had the past that he and he had the</p> <p>1 anger problems that in my opinion he had, I think at</p> <p>2 that time I definitely could have seen him lashing</p> <p>3 out in that sense.</p>
68:13-69:10	<p>13 Q Do you believe that if Devin had asked</p> <p>14 Danielle to purchase a weapon for him, how do you</p> <p>15 think she would have responded?</p> <p>16 MR. SCHREIBER: Calls for speculation.</p> <p>17 Objection.</p> <p>18 THE WITNESS: Um, in my opinion, when Devin</p> <p>19 wanted something from Danielle, she would do whatever</p> <p>20 it took to make him happy. I don't particularly</p> <p>21 think that if she would have known what was going to</p> <p>22 happen with the firearm she would have done it. But</p> <p>23 if it was like an everyday type of question, I guess</p> <p>24 I could see her doing it. Buying the gun. I'm</p> <p>25 sorry.</p> <p>1 BY MS. KRIEGER:</p> <p>2 Q So just to be clear if Devin had asked</p> <p>3 Danielle to purchase a weapon, do you think that</p> <p>4 Danielle would have purchased it for him?</p> <p>5 MR. SCHREIBER: Objection. Calls for</p> <p>6 speculation.</p>

	<p>7 THE WITNESS: Um, yes. Um, just to add on</p> <p>8 to that, in my opinion if she knew what it was going</p> <p>9 to be used for, I don't think she would have. But</p> <p>10 yes.</p>
<p>19:23-20:25 [JEX 62]</p>	<p>23 Q And I will show you a fourth image that I</p> <p>24 received, which will be Exhibit 6.</p> <p>25 (Exhibit 6 was marked for identification.)</p> <p>1 BY MS. KRIEGER:</p> <p>2 Q What is this image?</p> <p>3 A This is a screen shot of a conversation</p> <p>4 between Devin Kelley and myself. Yes.</p> <p>5 Q Did you take the screen shot?</p> <p>6 A Yes, ma'am.</p> <p>7 Q What was the date that you received these</p> <p>8 messages from Devin Kelley?</p> <p>9 A I don't recall at the moment. I could go</p> <p>10 back into the conversation where this picture was</p> <p>11 taken and look at it, if you would like.</p> <p>12 Q To be clear, you do still have this</p> <p>13 conversation on your phone or --</p> <p>14 A Yes, I still have this picture on my phone.</p> <p>15 Q Okay. You don't have to look at this</p> <p>16 second.</p> <p>17 A Okay.</p> <p>18 Q Maybe when we take a break, if you could</p> <p>19 check and we can confirm.</p> <p>20 A Yes.</p> <p>21 Q How did you know that these -- how did you</p> <p>22 know that these texts were sent from Devin Kelley?</p> <p>23 A This I believe was the phone number that I</p> <p>24 had for Devin Kelley. That's why his name was saved</p> <p>25 under the phone number as shown in the picture.</p>
<p>70:20-73:20 [JEX 61] [JEX 62]</p>	<p>20 Q After you lived together, did he do anything</p> <p>21 that felt threatening?</p> <p>22 A Danielle had mentioned after they left about</p> <p>23 how he would go into my bedroom while I was away and</p> <p>24 do God knows what inside my bedroom. And in my</p> <p>25 opinion that was threatening, but I didn't know that</p> <p>1 at the time while we were living together.</p> <p>2 Q When you say "do God knows what," the report</p> <p>3 mentions that you said -- the F.B.I. report mentions</p> <p>4 that he would masturbate on your clothes?</p> <p>5 A On my underwear. Yes. Um, I had found out</p> <p>6 that he was going into my room and masturbating on my</p> <p>7 underwear. Um, and also I had my iPad at the time.</p> <p>8 I guess he went into my room and he was -- I don't</p>

9 know how he got onto my iPad, but I guess he was on
10 my iPad looking through my photos and stuff like
11 that.

12 Q Did he send any of your photos or other
13 personal information to himself that you are aware
14 of?

15 A Not that I am aware of, no.

16 Q Other than the going into your room while
17 you were not home, did Devin make any sexual advances
18 to your face while you were living together?

19 A No, ma'am.

20 Q Um, did he make sexual advances towards you
21 after they moved out?

22 A Via the text messages, yes.

23 Q Okay. When did that -- when did he first
24 send you a sexual text message?

25 A Um, I don't have a particular like date in
1 mind, but, um, if I could make a guess, um, I would
2 say probably a few months after they had left would
3 have been the first one.

4 Q And we have seen some examples in Exhibits 5
5 and 6. Would you say that those are kind of
6 representative of the kinds of text messages that he
7 would send?

8 A Yes. In the examples that you have, it was
9 him asking me to show him particular things. In
10 other text messages that I was receiving, it was him
11 asking me to perform specific things for money.

12 Q I'm sorry to ask you this, but can you be
13 more specific? I know this is hard.

14 A It's okay. In one text message that I
15 recall, it was him asking me to give him oral sex.
16 Um, I believe there was another one where he was
17 asking for sex in general, but just along those
18 lines.

19 Q How would you respond to his text messages?

20 A Um, probably using some language I shouldn't
21 have, but in a very -- in a sense in which he would
22 know that it was a "no" type words, me being very --

23 Q You can say it. It's okay.

24 A Yeah. Um, I just, um -- I just did it in a
25 sense where he would blatantly know that the answer
1 was no. I guess I was very upset that he would even
2 text me in the first place, so I would pass that on
3 and tell him "no" and tell him to lose my number.

4 Q Would you block his number?

	<p>5 A Yes.</p> <p>6 Q Approximately how many times do you think he</p> <p>7 texted you with these sexual propositions?</p> <p>8 A Um, I would say probably between four and</p> <p>9 five text messages.</p> <p>10 Q Um, when was the last time that Devin texted</p> <p>11 you?</p> <p>12 A I want to say the last text message that I</p> <p>13 got was the one that the F.B.I. had. I don't recall</p> <p>14 a date on that, but I want to say that was the last</p> <p>15 text messages, last conversations that he and I had</p> <p>16 had in terms of asking for anything sexual.</p> <p>17 Q Do you know what year that would have been?</p> <p>18 A I don't remember. It's the picture that you</p> <p>19 have, the date that's on top of that conversation</p> <p>20 should be it.</p>
76:5-77:9	<p>5 Q Okay. So you mentioned the night with the</p> <p>6 bruises on the baby's legs. Can you tell me what</p> <p>7 happened that night?</p> <p>8 A To my memory, um, Devin was in the restroom</p> <p>9 whether taking a shower or using the restroom,</p> <p>10 whatever. Danielle came out and spoke with me and</p> <p>11 mentioned something with Michael. Then we continued</p> <p>12 talking about whatever, um, she was mentioning</p> <p>13 through the text messaging app that we had, told me</p> <p>14 about the bruises. I went in to see them. Saw them.</p> <p>15 She had sent me pictures.</p> <p>16 I remember telling her in the conversation,</p> <p>17 um, you either need to leave him. We need to go talk</p> <p>18 to the police. Something needs to happen. It's one</p> <p>19 thing to be abused yourself by him. That's not</p> <p>20 anything anyone else can do anything about really.</p> <p>21 You have to be the person to do that. But Michael is</p> <p>22 an innocent little baby. Someone needs to be looking</p> <p>23 out for him. So if you don't do something about it,</p> <p>24 I am going to.</p> <p>25 She just kept telling me that she was going</p> <p>1 to leave Devin. She was going to leave him. She was</p> <p>2 going to tell him that what he was doing was not</p> <p>3 okay. She kept asking me not to tell the police</p> <p>4 because she was concerned that Michael was going to</p> <p>5 be taken away from them.</p> <p>6 Then my god-sister came over. Her and I</p> <p>7 went out to go swimming that night. When we came</p> <p>8 back, we fell asleep. The next morning we woke up,</p> <p>9 and that's when I noticed that they were gone.</p>

82:4-83:9	<p>4 Q Were you home when the Kelleys left?</p> <p>5 A No. Not to my knowledge. I don't ever</p> <p>6 remember hearing them moving stuff out. In my</p> <p>7 opinion, they left while I was swimming with my</p> <p>8 god-sister.</p> <p>9 Q So you woke up in the morning, and they were</p> <p>10 just gone; is that right?</p> <p>11 A Yes, ma'am.</p> <p>12 Q What did you do when you saw that they were</p> <p>13 gone?</p> <p>14 A My god-sister was still in the apartment</p> <p>15 with me. She came over and stayed the night that</p> <p>16 night. Um, we woke up, realized they were gone, got</p> <p>17 in my car and drove to the nearest police station so</p> <p>18 I could file the police report.</p> <p>19 Q Um, did you try and contact either of the</p> <p>20 Kelleys when you saw they were gone?</p> <p>21 A Um, in my memory, I did. I tried to like</p> <p>22 text and kind of act like nothing was going on. Um,</p> <p>23 just "Hey, what's going on? When are you coming back</p> <p>24 for dinner? I just want to like be able to plan my</p> <p>25 day." And in my memory, they were just kind of going</p> <p>1 along with it. I tried to call them. And eventually</p> <p>2 she just kind of texted me and said, "Hey, this is</p> <p>3 best. We are just going our separate ways." We are</p> <p>4 not coming back essentially.</p> <p>5 Q Was that before -- when you got that message</p> <p>6 from Danielle, was that before or after you went to</p> <p>7 the police?</p> <p>8 A After. I went to the police the first thing</p> <p>9 in the morning.</p>
90:13-91:4	<p>13 Q What is your opinion of Danielle now?</p> <p>14 A Um, at this current moment my opinion?</p> <p>15 Q Yes.</p> <p>16 A Um, I hate to say it but kind of for lack of</p> <p>17 a better word a liar. I had seen something like a</p> <p>18 conversation or news report from like the Washington</p> <p>19 Post, I think it was, in regards to her relationship</p> <p>20 and her life with Devin, and I can remember thinking</p> <p>21 all of it was a lie, everything she was saying was a</p> <p>22 lie.</p> <p>23 I think she is a sweet person, but I think</p> <p>24 at a certain point when sweet people have</p> <p>25 manipulative people in their life for an extended</p> <p>1 period of time it kind of takes a toll on them. But</p> <p>2 she loves her kid, and that's something to be said.</p>

	<p>3 I think it shows a person for how they treat their</p> <p>4 kid.</p>
107:17- 108:5	<p>17 Q Do you think Danielle maybe had kind of a</p> <p>18 blind spot with it came to Devin?</p> <p>19 MR. SCHREIBER: Objection. Calls for</p> <p>20 speculation.</p> <p>21 THE WITNESS: Um, possibly. Um, I think</p> <p>22 that she was well aware of who he was as a person.</p> <p>23 Um, but relationships like this, I feel like there's</p> <p>24 always -- people always try to find a reason to stay.</p> <p>25 Um, so that could have possibly been a blind spot,</p> <p>1 because one reason why she should stay.</p> <p>2 BY MS. KRIEGER:</p> <p>3 Q Did you ever see Danielle directly tell</p> <p>4 Devin "no"?</p> <p>5 A Not to my knowledge, no.</p>

In addition, Defendant makes the following objections and counter-designations to Plaintiffs' designated testimony of Emily Willis.

<u>Plaintiffs' Designated Testimony</u>	<u>Objection</u>	<u>Counter- designation</u>	<u>Transcript</u>
9:23-10:2			
31:3-13			
31:20-32:14			
32:19-34:12			
36:19-37:23			
60:14-20			
68:5-12			
76:5-77:23			
80:2-6			
82:12-18			
83:10-84:3			
97:16-99:9	FRE 402 Relevance		
99:20-100:4			
100:5-102:10			
103:23-105:1	FRE 602 Lacks Personal Knowledge	105:2-3	2 MS. KRIEGER:· Objection.· The report speaks 3 for itself.
105:5-8	FRE 602 Lacks Personal Knowledge	105:9-10	9 MS. KRIEGER:· Objection.· Outside of this 10 witness' knowledge.
105:11	FRE 602 Lacks Personal Knowledge		
105:18-22	FRE 602 Lacks Personal Knowledge	105:23-24	23 MS. KRIEGER:· Objection.· Calls for 24 speculation.
105:25-106:5	FRE 602 Lacks Personal Knowledge	106:6	6 MS. KRIEGER:· Objection.· Speculation.
106:7-10	FRE 602 Lacks Personal Knowledge		

Dated: March 12, 2021

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CERTIFICATE OF SERVICE

I certify that on March 12, 2021, I electronically filed the foregoing with the clerk of court by using the CM/ECF system, and that all counsel of record have received notice and been served through that system.

/s/ Paul David Stern
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